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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,103	05/21/1999	TRACY LEE NELSON	1176	8645

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT PAPER NUMBER

2642

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,103

Applicant(s)

NELSON ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 108-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 108-127 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 108 – 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,483,589 (Ishida et al.) in view of US Pat 5,917,897 (Johnson et al.).

As to claims 108 and 118, Ishida et al. teach an apparatus and method for routing control for a composite network wherein there are multiple nodes capable of receiving call information and depending on various received identifiers determine how to route that call. Inherently or at the least, obviously, each of these nodes has signaling processors embodied in the form of path selecting unit 103, number identifying unit, 101, etc. (Fig. 3)

Furthermore, each of these signal processors has access to a call processing table for selecting identifiers to "classify" the calls and determining how to route calls using the various identifiers such as an activation identifier (AI), node identifier (CC), connection type identifier (V/F), etc. (Fig. 6, Col. 7, line 54 – Col. 8, line 10). Ishida et al. teach that the contemplated network consists of a plurality of connection systems and other networks as well wherein the system may route calls using any combination of nodes or outside networks such as the PSTN. Furthermore, it is inherent that each call, i.e., a first call or second call or third call will each have their own identifiers in the control messages that will be used in routing that call. This must be the case or else a

system would not be able to distinguish between one call and another. (Col. 1, lines 52 – 60, Col. 2, line 40 – Col. 3, line 8, Col. 7, line 54 – Col. 9, line 10).

Ishida et al. do not teach updating of the call processing tables.

However, because of the de-regulation in the telecommunications industry, such updating is at least obvious because carriers will "bid" for traffic by submitting the cost of routing a call and the tables of affected switches and nodes and of course signal processors will have to be updated to reflect these rates to effect least cost routing. Johnson et al. teaches such a system wherein, switches route calls in accordance with least cost routing resulting from a bidding process between participating carriers. Each switch/node receives this rate information. Col. 1, line 40 – Col. 2, line 18 and Col. 4, line 41 – Col. 5, line 30, Col. 6, line 30 – Col. 7, line 31). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have incorporated the bidding capability of Johnson et al. inasmuch as Ishida et al. already contemplates economical routing (Col. 1, line 59 of Ishida et al.) and because Ishida et al teaches the network upon which the invention of Johnson et al. would be operating on. In other words, Johnson et al. merely teaches the present state or method of least cost routing which would be used by Ishida et al.

As to claims 109, 111, 113 – 115, 119, 121, and 123 – 125, such is inherent in Ishida et al. There must be an MMI (Man machine interface) in order to update the tables. If done automatically, then it would be obvious then to revert to a manual means of entering information where again, an MMI would be inherently necessary. Also inherent is receiving the call data from an operations center. In any semi-modern

telecommunications system there is an operations center from which such data is sent. Even if not, the data must be received from somewhere and whether it comes from separate nodes or servers or centers, which is old and well known, or from a single operations center, which is also old and well known, either would be obvious for one of ordinary skill in the art to have implemented in Ishida et al. at the time the invention was made.

Also, Ishida et al. in Fig. 6 teach the use of and storage of routing tables and tables having the called number. As to the ANI, Ishida et al. teach determining automatically whether or not certain connections may be made depending on where the caller is calling from and where the caller is calling to. Therefore it would be inherent, that the ANI information would be needed and stored as a means of determining how to route the calls.

As to claims 110 and 120, if manual entering of data into the call processing tables is done as addressed above, obviously like in almost any other provisioning scenario/system, access will be limited to certain personnel inherently requiring a user security configuration system for giving those certain operators/personnel the required access.

As to claims 112 and 122, a regional craft view system is employed to simply allow an operations center to view configurations of the signaling processor. In any telecommunications system, one will find an operations center allowing certain personnel to look at/change a system's configuration. As such, it would be at the least obvious to include such a feature in the invention of Ishida et al. by one of ordinary skill

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in the art at the time the invention was made. Such a features is old and well known in the art and there is likely no other method of provisioning and controlling a telecommunications system more commonly used giving adequate motivation to implement such a regional craft view system. Furthermore, whether the mechanism used to view configuration is a regional craft view or any other type of mechanism, these are simply an obvious preference for one of ordinary skill in the art.

As to claims 116, 117, 126, and 127, such is merely the broadband aspect of the claimed invention. Inasmuch as Ishida et al. teach handling both voice and fax, and the fact that many well known systems now allow broadband communications, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the methods used in Ishida et al. in a broadband platform, thus allowing for ATM to non-ATM and TDM communications.

Response to Arguments

2. Applicant's arguments with respect to claims 108 - 127 have been considered but are moot in view of the new ground(s) of rejection.

However, examiner would still like to address applicant's arguments for clarification of the prior art.

As to applicant's argument's regarding path selecting unit 103. If perhaps applicant could suggest another interpretation of that unit's operation or purpose, the assertion could be maintained that examiner has misconstrued its operation. However, it is doubtful that anyone of ordinary skill in the art or even one of only basic skill in the

art could refute examiner's assertion that a "path selecting unit" operates to, or assists to route calls. Furthermore, if applicant reads Col. 7, line 54 – Col. 8, line 10, it is clearly stated that judging means 100, whose operation is clearly explained and taught as call routing, is in one embodiment, broken up in certain part, one of which is path selecting unit 103. Col. 8, line 31 – 36.

As to applicant's arguments regarding the updating of tables, while Johnson et al. has been provided as a secondary reference to supplement Ishida et al. it is still very old and well known that various carriers will have different rates or routing costs depending for example on the time of day that a subscriber wished to make a call. In this case, it is highly unlikely that an actual operator will be manually updating tables to reflect such changes each and every day at a certain time. Such is almost always done automatically. As correctly stated, "traditionally" manual table updates have been performed.

However, even IF Ishida et al. were more indicative of the "traditional" method, because of the present state of telecommunications automation, such would be obvious over Ishida et al. Merely because a system operates traditionally does not mean it is not obvious when a more modern method is implemented in a dated system unless so many alterations and changes must be made which would most certainly NOT be the case with Ishida et al.

As to applicant's arguments regarding the interworking aspect of the present invention, "interworking" is correctly described in the specification for the present invention on page 11. It is merely a seamless communication between frame relay,

ATM, TDM, etc. However, as also correctly noted in the specification on pages 8 to 11, such seamless communications is at the very least obvious in modern systems which can utilize the above communication methods as well as a plethora of others. It is almost a given that interworking will occur. Moreover, because Ishida et al. itself contemplates a network of different and varied carriers and switches and nodes from various countries even, such interworking would also be at the least obvious in Ishida et al.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
June 29, 2003


AHMAD MATAR
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